

EXHIBIT O-9

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Mother sues HOPE Clinic, pharmacies for son's overdose death

By Lacie Pierson Staff writer Jul 5, 2018

Four people and the clinic where they allegedly operated a pill mill, as well as two pharmacies, have been sued by a woman who says doctors at the clinic fatally over-prescribed opioid medications for her son.

Timothy Jason Lewis died after overdosing on May 4, 2017. His mother, Inez Lewis, said in the lawsuit that doctors at the HOPE Clinic, and the pharmacies that filled prescriptions, facilitated her son's addiction despite evidence of suspicious prescription activity in violation of the West Virginia Medical Professional Liability Act.

The HOPE Clinic, four employees there, Cross Lanes Family Pharmacy Inc. and Poca Valu-Rite Inc. are named as defendants in the lawsuit that was filed.

James Blume, one of the owners of HOPE Clinic, doctors Paul Burke and Mark Clarkson, and Teresa Emerson, a clinic employee, were named as defendants. They were among the 12 people indicted in February for allegedly operating a pill mill at the clinic.

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Inez Lewis, on behalf of her son's estate, filed the lawsuit in Kanawha Circuit Court on June 29. The filing came about four months after owners, managers, physicians and other employees at HOPE Clinic were indicted on federal charges alleging they distributed oxycodone and other Schedule II controlled substances outside of their legitimate and intended medical purposes between November 2010 and June 2015.

Their trials originally were set to begin in April, but they were rescheduled for Nov. 5, with U.S. District Judge Irene Berger presiding at the federal courthouse in Beckley.

The U.S. Drug Enforcement Administration rates drugs, including prescription and over-the-counter medications, on a five-tier system identified as "schedules." Schedule I drugs are substances that have no accepted medical use and are highly addictive, and Schedule V drugs are those that have very low probability for addiction and are used to treat common ailments.

In her lawsuit, Inez Lewis said physicians at the clinic began prescribing her son oxycodone and methadone in 2014. Both of the drugs are used to treat severe pain and are known to be highly addictive and potentially lethal, she said in the lawsuit. None of the prescriptions for Timothy Lewis were medically necessary, and they contributed directly to his opioid addiction, ultimately leading to his death from an opioid overdose and multi-drug toxicity, according to the lawsuit.

No one at either of the pharmacies named in the lawsuit reported the "suspicious prescription activity" by HOPE Clinic physicians to the West Virginia Board of Pharmacy or any federal regulatory agencies, according to the lawsuit.

Inez Lewis is represented by Timothy Houston of Brown Houston PLLC in Charleston. The case has been assigned to Judge Duke Bloom.

HOPE Clinic was a pain management clinic with locations in Charleston, Beckley and Beaver in West Virginia and in Wytheville, Virginia.

The HOPE Clinic in Charleston closed in February 2015, after West Virginia Office of Health Facility Licensure officials concluded that the clinic put patients' health and safety at risk.

The West Virginia Department of Health and Human Resources shut down the HOPE Clinic in Beaver in April 2015, with similar reports of narcotics auditors. The clinic was cited for dozens of deficiencies that put patients' health and safety at risk, according to a state report.

The 12 defendants named in the 98-count indictment face charges including conspiracy to commit money laundering, conspiracy to distribute and dispense oxycodone, maintaining a drug-involved premises and distribution of controlled substances.

All of the defendants have pleaded not guilty to the charges against them.

Related to the HOPE Clinic indictment, a federal information was filed against Dr. John Pellegrini, a doctor at the HOPE Clinic in Beckley, charging him with conspiracy to commit money laundering. Pellegrini pleaded guilty in April, and faces up to 20 years in federal prison when he is sentenced Aug. 8.

Federal prosecutors allege HOPE Clinic operated as a cash-based business and did not accept insurance for reimbursement for services and medications provided at the clinic.

Between 2012 and 2015, the clinic received more than \$21 million in cash payments from patients, according to the indictment.

The owners of the clinic allegedly contracted services of physicians who had no knowledge of pain management and who consistently conducted "cursory, incomplete or no medical examinations of clinic customers," according to the indictment.

In her lawsuit, Inez Lewis seeks unspecified compensation for damages including the expenses related to care and treatment of her son, emotional distress, funeral expenses, mental anguish and emotional distress, and loss of her son's "society, companionship, comfort, guidance, and kindly offices and advice." She also seeks attorneys fees and court costs along with punitive damages against the defendants.

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